

### REMARKS

This paper responds to the Office Action dated August 19, 2005 ("the Office Action"). Claims 36 and 37 are amended, and claims 38 - 41 are added; as a result, claims 36 - 41 are now pending in this application.

#### §102 Rejection of the Claims

Claims 36 and 37 were rejected under 35 U.S.C. § 102(b) for anticipation by Hurtig (U.S. 5,289,222). Applicant respectfully traverses the rejection. To anticipate a claim, the reference must teach every element of the claim.<sup>1</sup> A claim in dependent form shall be construed to incorporate by reference all of the limitations of the claim to which it refers.<sup>2</sup>

Applicant cannot find in Hurtig, among other things,  
a splash controller ... configured to draw the chemical toward said splash controller, wherein said splash controller is configured to generate a gas pressure around the edge bead that is lower than an ambient gas pressure,

as recited or incorporated in the claims.

The Office Action reads the element of claim 36 reciting the splash controller onto the splash guard 104B described in Hurtig.<sup>3</sup> However, the splash guard is apparently a passive mechanical device and Applicant cannot find any disclosure in Hurtig of a splash controller configured to generate a gas pressure.

The Office Action asserts that the splashguard inherently generates a gas pressure around the edge bead that is lower than an ambient gas pressure. Applicant respectfully disagrees with the assertion of inherency because the Office Action has not established a *prima facie* case of inherency. According to the M.P.E.P., "in relying upon the theory of inherency, the examiner must provide basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art."<sup>4</sup> The Office Action does not provide any fact and/or technical reasoning to explain how the

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<sup>1</sup> M.P.E.P. § 2131.

<sup>2</sup> 35 U.S.C. § 112 ¶4.

<sup>3</sup> Office Action, pg. 2 ¶2.

<sup>4</sup> M.P.E.P. § 2112, citing Ex parte Levy, 17 USPQ2d 1461, 1464 (Bd. Pat. App. & Inter. 1990) (emphasis in original).

splash guard of Hurtig inherently generates a gas pressure around the edge bead that is lower than an ambient gas pressure.

Applicant respectfully requests reconsideration and allowance of claims 36 and 37.

Claims 36 and 37 were rejected under 35 U.S.C. § 102(b) for anticipation by Iwata et al. (U.S. 4,611,553, "Iwata"). Applicant respectfully traverses the rejection.

Applicant cannot find in Iwata,

a dispenser configured to release a chemical toward an edge bead; and  
a splash controller around said dispenser, physically unattached from the edge bead, and configured to draw the chemical toward said splash controller, wherein said splash controller is configured to generate a gas pressure around the edge bead that is lower than an ambient gas pressure, and wherein said splash controller is configured to physically intercept the chemical,

as recited or incorporated in the claims.

The Office Action characterizes the suction nozzle 4 of Iwata as a splash controller.<sup>5</sup> However, Applicant cannot find any reference to controlling splash in Iwata. Additionally, the Office Action characterizes the cleaning liquid supply port 8 as the dispenser recited in claim 36.<sup>6</sup> Applicant disagrees with the characterization at least for the reason that the cleaning liquid supply port 8 of Iwata is not configured to release a chemical toward an edge bead as is recited in the claim. Further, claim 36 recites in part, "a splash controller around said dispenser." Even if Applicant were to acquiesce to the characterizations made in the Office Action, the suction nozzle 4 is not around the cleaning liquid supply port in Iwata. Therefore, even with the characterizations of which the Applicant disagrees, Iwata does not disclose the structure recited in claim 36. Applicant respectfully requests reconsideration and allowance of claims 36 and 37.

#### New Claims

Claims 38 – 41 are new. Support for the claims is found generally within the specification. For example, support for claim 38 can be found in FIG. 1 and in col. 2 lines 63-65. Support for claim 39 can be found in FIGS. 1 and 2. Support for claim 40 can be found in FIG. 2 and in col. 3 lines 5-7. Support for claim 41 can be found in col. 2 lines 63-65. Applicant respectfully requests entry of the new claims for examination.

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<sup>5</sup> Office Action, pg. 2 ¶3.

<sup>6</sup> Id.

**CONCLUSION**

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 349-9587 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

TRUNG T. DOAN

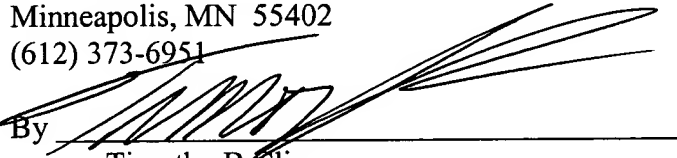
By his Representatives,

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17 Jan '06

By



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**CERTIFICATE UNDER 37 CFR 1.8:** The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 17 day of January, 2006.

Name

MATE GANNON

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